

Title 12 Recodification Project
Marijuana statute relocation and reorganization
October 6, 2017
10 a.m.
Senate Committee Room 354, State Capitol

Article & Topic	Staff
Articles 43.3 and 43.4 of title 12: Moving Medical Marijuana and Retail Marijuana to a new title 44.	Michael Dohr Thomas Morris

Persons present:

Representatives from the Marijuana Enforcement Division
Representatives from the Attorney Generals Office
Representatives from the Department of Regulatory Agencies
Jordan Wellington
Arnold Hanuman
Brock Herzberg

Articles 43.3 and 43.4 — Title 12

Michael Dohr, Office of Legislative Legal Services, explained the details and goals of the [Title 12 Recodification Project](#). In accordance with the project, staff proposes relocating the medical marijuana and retail marijuana to a newly created title 44, C.R.S., which will contain statutes relating to activities regulated by the Colorado Department of Revenue. Staff drafted two bills one that was a straight relocation and a second that was a relocation and reorganization.

Straight Relocation Discussion

There was no objection to the straight relocation bill. The AG's office had technical comments that they will provide by email.

Arnold Hanuman asked that regardless whether there is a relocation or reorganization that the bills have an effective January 1, 2019 to give law enforcement time to train everyone regarding the changes.

Reorganization Discussion

The AG's office had 4 objections to the reorganization bill. First, they would prefer a reorganization that puts the two codes into one code rather than three codes. They feel three codes would make it more complicated and create the potential for inconsistencies. They don't like taking some rulemaking items out of the 202 statutes. Second, the bill creates new terms and definitions and makes some substantive changes. Third, they were concerned that the way it was drafted section

601 would not be able to be used by local licensing authorities. The last concern was that there will be a retraining and administrative burden with a reorganization and then there is the sunset of the two codes in 2019 which will cause another retraining and administrative burden the next year. So they would prefer to see everything done in 2019 in conjunction with the sunset.

The Marijuana enforcement division concurs with the concerns about the timing and would like to see everything done in 2019. They are behind the spirit of the process to reorganize the marijuana codes but are not sure about how we get there.

DORA said that the point of having both codes sunset at the same time in 2019 was to try to reconcile any outstanding differences between the codes. It would help if there were a bill this session to direct the sunset to also considering reorganizing the code. Harmonization in sunset bills in the past has created angst among legislators. It is hard to do a sunset if the law is going to change this year in a reorganization, it would be possible to move the sunset date out to a year.

Jordan Wellington - the issues still remain for a practitioner the code is too complicated especially section 202 (rulemaking). He is opposed to doing it with the sunset because there will both substantive issues and a reorganization which could get confusing. Jordan would like to see the reorganization done as soon as possible, but if it takes three years that is fine as long as it gets done.

Brock Herzberg – Although there is no interest from the industry currently the more substantive changes that happen the more that will be interested.

Overall there is concern about the timing of doing a relocation or reorganization.